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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,901	04/14/2004	Florian Patrick Nierhaus	2003P18698US	6111
7590	02/03/2009		EXAMINER	
Siemens Corporation			GAY, SONIA L	
Attn: Elsa Keller, Legal Administrator				
Intellectual Property Department			ART UNIT	PAPER NUMBER
170 Wood Avenue South			2614	
Iselin, NJ 08830				
			MAIL DATE	DELIVERY MODE
			02/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,901	<b>Applicant(s)</b> NIERHAUS, FLORIAN PATRICK
	<b>Examiner</b> SONIA GAY	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,7-29 is/are rejected.

7) Claim(s) 6 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to Amendment submitted on 11/13/2008 in which claims 1 - 29 are presented for examination.

#### ***Allowable Subject Matter***

1. Claims 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1- 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Jong ( US 6,173,250), and further in view of Creamer et al. ( US 2004/0267527).

For claim 1, Koch discloses a conferencing method comprising:  
receiving first conference-endpoint data from a first conference type identifier specifying a second conference type for a second endpoint participating in a conference with the first endpoint; ([0037] [0038])

reading conference type identifier from a memory, the conference type identifier specifying a second conference type for a second endpoint participating in the conference with the first endpoint; ([0034][0049])

determining whether the second conference type is different than the first conference type; ([0038])

selecting a conversion program based whether the second conference type is different than the first conference type; ([0038])

reading an endpoint identifier for the first endpoint; ([0037] [0038] )

initiating execution of the conversion program on the first conference- endpoint data to prepare converted first conference-endpoint data compatible with the second conference type from the first conference-endpoint data; ([0040] [0041] [0044] [0051] [0052])

Yet, Koch fails to teach selecting and specifying a conversion parameter for the conversion program based on the endpoint identifier; and, transmitting the converted conference-endpoint data to the first and second endpoint.

However, Jong discloses a method for speech -text-transmit communication over data networks wherein a conversion parameter is selected and specified for the purpose of converting the first-conference endpoint data to data that is compatible with a second conference type (Abstract; column 6 lines 5 - 32; column 8 lines 29 - 49).

Moreover, Creamer et al. discloses a method for the purpose of conducting real time messaging using voice-to-text reduction wherein a first endpoint Koch and a second endpoint both receive the converted first conference-endpoint data ([0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Jong and Creamer et al. to select and specify conversion parameters for the purpose of converting the first-conference endpoint data tot data that us compatible with a second conference type; and, transmit the

converted first conference endpoint data to both the first and second endpoint for the purpose of conducting real time messaging as disclosed in Koch (Abstract).

For claim 2 , Koch further discloses where the first conference type is a text messaging conference, and where the second conference type is a voice conference ( Koch, [0031]).

For claim 3, Koch further discloses where the act of initiating execution of the conversion program comprises initiating execution of a text-to-speech translator (Koch, [0040]).

For claim 4, Koch further discloses where the act of initiating execution of the conversion program comprises initiating execution of a speech-to-text translator (Koch, [0044]).

For claim 5, Koch further discloses where the act of transmitting comprises transmitting the converted first conference-endpoint data and a first endpoint identifier to the second endpoint (Koch, [0037] [0041][0051]).

For claim 7, Koch further discloses receiving second conference-endpoint data for the second conference type from the second endpoint; preparing converted second conference-endpoint data; and transmitting the second converted conference-endpoint data to the first endpoint ( Koch, [0042 - 0046]).

For claim 8, the teachings of Koch and Jong further disclose where the act of initiating execution of the conversion program comprises initiating execution of a text-to-speech translator, and further comprising the act of selecting a voice for at least one of the first and second endpoints (Koch, [0040]) (Jong, column 6 lines 5 – 32;column 8 lines 29 – 60).

For claim 9, Creamer et al. further discloses where at least one of first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference (Creamer et al., [0006][0007]).

For claim 10, the teachings of Koch and Jong further discloses where reading an endpoint identifier comprises: reading a name indicia that identifies the source of the first conference-endpoint data; and where: the conversion parameter comprises a voice model conversion parameter that distinguishes between male and female voice production (Koch , [0041])(Jong, column 6 lines 5 – 56; column 8 lines 29 - 60).

3. Claims 11 –18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Creamer et al. ( US 2004/0267527).

For claim 11, Koch discloses a conference system (*network translator service : [0031]*) comprising:

a memory ( *data store: [0034]*) comprising :

a first conference-endpoint data for a first conference type received from a first endpoint([0034] [0037] [0039] [0056] [0057] [0060]);

a conference type identifier specifying a second conference type for a second endpoint participating in a conference with the first endpoint ([0033] [0034] [0039] [0060]);

a conversion program operable to prepare converted first conference endpoint data compatible with the second conference type from the first conference endpoint data ([0040][0044]) and

a processor (*VoiceXML* gateway: [0038]) operable to determine whether the second conference type is different than the first conference type and to execute the conversion program when the second conference type is different than the first conference type ([0038]).

Yet, Koch fails to teach where the processor initiates transmission of the converted first endpoint data to the first endpoint and second endpoint.

However, Creamer et al. discloses a method for the purpose of conducting real time messaging using voice-to-text reduction wherein a first endpoint and a second endpoint both receive the converted first conference-endpoint data ([0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Creamer et al. to transmit the converted first conference endpoint data to both the first and second endpoint for the purpose of conducting real time messaging in the teleconference as disclosed in Koch (Abstract).

For claim 12 , Koch further discloses where the first conference type is a text messaging conference, and where the second conference type is a voice conference ( Koch, [0031]).

For claim 13, Koch further discloses where the conversion program comprises at least one of a text-to-speech translator and a speech-to-text translator (Koch, [0040][0044]).

For claim 14, Koch further discloses where the conversion program comprises a text-to-speech translator, and where the memory further comprises a speech-to-text translator (Koch, [0040][0044]).

For claim 15, Koch further discloses where:

the memory further comprises second conference-endpoint data for the second conference type received from the second endpoint (Koch, [0033] [0034] [0039] [0060]); and, where the processor executes the text-to speech translator on the first conference -endpoint data to prepare the converted first conference-endpoint data, and executes the speech-to-text translator on the second conference-endpoint data to prepare converted second conference-endpoint data (Koch, [0040 -0047]).

For claim 16, Koch further discloses where the processor initiates transmission of the second converted conference-endpoint data to the first endpoint (Koch, [0043 -0046]).

For claim 17, Koch further discloses where the act of transmitting comprises transmitting the converted first conference-endpoint data and a first endpoint identifier to the second endpoint (Koch, [0037] [0041][0051]).

For claim 18, Creamer et al. further disclose where the first conference type is at least one of a centralized and decentralized instant messaging conference, and where the processor is operable to initiate transmission of the converted first endpoint data according to a pre-selected instant messaging protocol (Creamer et al., [0006][0007]).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Creamer et al. ( US 2004/0267527), and further in view of Davis et al. ( US 2005/0021344).

For claim 19, Koch further discloses where the conversion program is a text-to-speech translator ([0040]), yet fails to teach where the memory comprises voice data for at least one of the first and second endpoints.

However, Davis et al. discloses a system for enabling phone users to participate in an instant messaging based conference wherein the memory comprises voice data for a voice for at least one of the first and second endpoints for the purpose of personalizing the system to provide a rich end-user experience through the use of user-specific simulated voice prints and/or language translation ( Abstract; [0015][0017 - 0020]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with teachings of Davis et al. to store voice data for a voice for at least one of the endpoints disclosed above in Koch for the purpose of personalizing the system to provide a rich end-user experience through the use of user-specific simulated voice prints and/or language translation.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2004/0015550) in view of Creamer et al. ( US 2004/0267527), and further in view of Smyth et al. ( US 7,007,098).

For claim 20, Koch fails to teach a where the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both; and, where the filter criteria comprises an n-loudest filter criteria for the purpose of processing only endpoint data only from n-loudest endpoints connected to a conference , including the first and second endpoints.

However, Smyth et al. discloses a teleconference server with a processor ( column 5 lines 43 – 45) where the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both( column 2 lines 35 – 46; column 3 line 51 – column 4 line 2) for the purpose of reducing the use of processor resources (Abstract); and, where the filter criteria comprises an n-loudest filter criteria for the purpose of processing only endpoint data only from n-loudest endpoints connected to a conference , including the first and second endpoints. (Smyth et al., column 2 lines 35 – 46; column 3 line 51 – column 4 line 2)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Smyth et al. for the teleconference server disclosed in Koch wherein the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both for the purpose of conserving the use of processor resources. Additionally, the filter criteria comprises an n-loudest filter criteria for the purpose of processing only endpoint data only from n-loudest endpoints connected to a conference, including the first and second endpoints.

6. Claim 21, 23 – 24, 26 , and 28 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550) in view of Creamer et al. ( US 2004/0267527).

For claim 21, Nakamura discloses a computer readable medium encoded with instructions (*memory within the teleconference server : [0042]*) that cause a data processing system to perform a method comprising the steps of:

retrieving first conference-endpoint data for a first conference type received from a first endpoint from a memory ([0041][0042]);

determining a second conference type for a second endpoint participating in a conference with the first endpoint ([0042] [0044]);

determining whether the second conference type is different than the first conference type ([0042][0044]);

initiating preparation of converted first-endpoint data compatible with the second conference type from the first conference-endpoint data when the second conference type is different than the first conference type ([0044]); and,

Yet, Nakamura fails to teach where the processor initiates transmission of the converted first endpoint data to the first endpoint and second endpoint.

However, Creamer et al. discloses a method for the purpose of conducting real time messaging using voice-to-text reduction wherein a first endpoint and the second endpoint both receive the converted first conference-endpoint data ([0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Nakamura with the teachings of Creamer et al.

to transmit the converted first conference endpoint data to both the first and second endpoint for the purpose of conducting real time messaging in the teleconference as disclosed in Nakamura (Abstract).

For claim 23, Nakamura further discloses where the act of initiating preparation comprises initiating execution of at least one of a text-to-speech translator and a speech-to-text translator (Nakamura, [0041][0042][0044][0046]).

For claim 24, Nakamura further discloses retrieving second conference-endpoint data for the second conference type received from the memory; and, initiating preparation of converted second-endpoint data compatible with the first conference type from the second conference-endpoint data; and, initiating transmission of the converted second-endpoint data to the first endpoint (Nakamura, [0041][0042 [0044][0046]) .

For claim 26, the teachings of Nakamura and Creamer et al. further disclose where the second conference type is an instant messaging conference, and where initiating transmission comprises initiating transmission of the converted first endpoint data according to a pre-selected instant messaging protocol (Nakamura, [0041][ 0044]) (Creamer et al., [0006][0007]).

For claim 28, the teachings of Nakamura and Creamer et al. further disclose where the first conference type is at least one of a centralized and decentralized text messaging conference (Nakamura, [0041][ 0044]) (Creamer et al., [0006][0007]).

For claim 29, the teachings of Creamer et al. further discloses reading an endpoint identifier and establishing aiding data for speech-to-text translation associated with the endpoint identifier (Creamer et al. [0027]).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550) in view of Creamer et al. ( US 2004/0267527), and further in view of Geofroy et al. (US 7,124,163).

For claim 22, Nakamura fails to teach decoding the first conference-endpoint data with a first Coder/Decoder (CODEC) to obtain decoded first conference-endpoint data; and, negotiating with the second endpoint to determine the specific CODC for the second endpoint, where initiating preparation includes recoding the decoded first conference-endpoint data by applying a specific CODEC, different than the first CODEC, on the decoded first conference-endpoint data.

However, Geofroy et al. discloses data/media servers with computer readable mediums encoded with instructions for the purpose of performing a variety of basic and enhanced services in telephony networks or typical data exchange services of the sort which occur over the Internet including transcoding between different codec types by negotiating with the second endpoint to determine the specific CODEC for the specific endpoint, converting text to speech or speech to text (column 2 lines 5 – 20)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Nakamura with the invention disclosed in Geofroy et al. for the media server disclosed above in Nakamura to decode the first conference-endpoint data with a first Coder/Decoder (CODEC) to obtain decoded first conference-endpoint data and recode the decoded first conference-endpoint data by applying a

specific CODEC, different than the first CODEC, on the decoded first conference-endpoint data for the purpose of providing a conferencing services between disparate communication devices.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550), in view of Creamer et al. ( US 2004/0267527), and further in view of Koch (US 2006/0146994).

For claim 25, Nakamura fails to where transmitting further comprises transmitting a first endpoint identifier to the second endpoint.

However, Koch discloses a method for the purpose of providing real-time conversation among a plurality of disparate communication devices wherein a first endpoint identifier is transmitted to the second endpoint ([0037] [0041][0051]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Nakamura with the teachings of Koch wherein a first endpoint identifier is transmitted to the second endpoint for the purpose of providing real-time conversation among a plurality of disparate communication devices.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 2004/0015550) in view of Creamer et al. ( US 2004/0267527), and further in view of Davis et al. ( US 2005/0021344).

For claim 27, Nakamura further discloses where the act of initiating preparation comprises initiating execution of a text-to-speech translator ([0029][0041][0044]), yet fails to

teach further comprising the act of selecting a voice for at least one of the first and second endpoints.

However, Davis et al. a system for enabling phone users to participate in an instant messaging based conference wherein the memory comprises voice data for selecting a voice for at least one of the first and second endpoints for the purpose of personalizing the system to provide a rich end-user experience through the use of user-specific simulated voice prints and/or language translation ( Abstract; [0015][0017 - 0020].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Nakamura with teachings of Davis et al. to store voice data for a voice and selecting the voice for at least one of the endpoints disclosed above in Koch which receives and transmits voice for the purpose of personalizing the system to provide a rich end-user experience through the use of user-specific simulated voice prints and/or language translation.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1- 29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/  
Examiner, Art Unit 2614

January 23, 2004

/Rasha S AL-Aubaidi/  
Primary Examiner, Art Unit 2614